

### **REMARKS**

Claims 1-18 are pending in the above-identified application. Claims 1-18 were rejected. With this Amendment, claims 1 and 11 are amended. Accordingly, claims 1-18 are at issue.

#### **I. 35 U.S.C. § 102 Anticipation Rejection of Claims**

Claims 1, 3 and 5-10 were rejected under 35 U.S.C. § 102(b) as being anticipated by Sunano (U.S. Publication No. 2001-0038941). Applicant respectfully traverses this rejection.

In relevant part, claim 1 recites a film-shaped case accommodating a battery element including a 1 mm to 3 mm wide sealing portion disposed in an edge portion of the casing. Wherein, the film-shaped casing is sealed at the sealing portion by the resin layer closest to the battery element.

This is clearly unlike Sunano, which fails to disclose a film-shaped casing sealed along a sealing portion by a resin. Instead, Sunano discloses the welding of an aluminum film to form a casing. (See, Sunano paragraph 0041). Further, nowhere does Sunano disclose a 1 mm to 3 mm sealing portion disposed in an edge of the casing.

As the application teaches, when the thickness of the sealing edge is too thin it is difficult to securely seal the casing and when the sealing width is too wide, the energy density of the battery is decreased due to increased volume and weight. As a result, the casing disclosed in Sunano is not capable of producing the casing claimed by the Applicants.

Therefore, because Sunano fails to disclose, or even fairly suggest, every feature of claim 1 the rejection is improper. Because claims 3 and 5-10 depend, either directly or indirectly from claim 1, those claims are patentable for the same reasons.

Because claims 3 and 5-10 depend from claim 1, they are not anticipated for the same reason.

Claims 11, 12 and 14-18 were rejected under 35 U.S.C. § 102(b) as being anticipated by Sunano (U.S. Publication No. 2001-0038941). Applicant respectfully traverses this rejection.

In relevant part, Independent claim 11 recites a film-shaped case accommodating a battery element including a 1 mm to 3 mm wide sealing portion disposed in an edge portion of the casing and a resin layer disposed on the side of a metal layer closest to the battery element with a thermoplastic layer in between the metal layer and the resin layer.

This is clearly unlike Sunano, which fails to disclose a film-shaped case including a 1 mm to 3 mm sealing portion disposed in an edge portion of the casing or a resin layer and a metal layer with a thermoplastic layer in between. Instead, Sunano discloses a metal layer bonded by a adhesive layer to a resin layer. (See, Sunano paragraph 0034). Further, nowhere does Sunano disclose a 1 mm to 3 mm sealing portion disposed in an edge of the casing.

As the application teaches, when the thickness of the sealing edge is too thin it is difficult to securely seal the casing and when the sealing width is too wide, the energy density of the battery is decreased due to increased volume and weight. As a result, the casing disclosed in Sunano is not capable of producing the casing claimed by the Applicants.

Therefore, because Sunano fails to disclose, or even fairly suggest, every feature of claim 11 the rejection is improper. Because claims 12 and 14-8 depend, either directly or indirectly from claim 11, those claims are patentable for the same reasons.

## **II. 35 U.S.C. § 103 Obviousness Rejection of Claims**

Claims 2, 4, and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sunano in view of Yamashita et al. U.S. Patent No. 7,041,380 (Yamashita). Applicant respectfully traverses this rejection.

Claims 1 and 11 are patentable over Sunano as described above.

Yamashita similarly fails to fully teach or disclose a film-shaped case accommodating a battery element including a 1 mm to 3 mm wide sealing portion disposed in an edge portion of a casing where the film-shaped casing is sealed at the sealing portion by the resin layer closest to the battery element. Additionally, Yamashita fails to fully teach or disclose a film-shaped case which is sealed at the sealing portion by a resin layer or thermoplastic layer closest to a battery element.

For the reasons stated above, because Sunano and Yamashita or any combination of the two fails to disclose, or even fairly suggest, every feature of claims 1 or 11, the rejection is improper. Because claims 2, 4 and 13 depends directly or indirectly from claims 1 or 11, they are patentable for at least the same reasons

**III. Conclusion**

In view of the above amendments and remarks, Applicant submits that all claims are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

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